

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emlyn Cameron	Team: Squad #12	CCRB Case #: 201910734	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 11/26/2019 7:50 PM	Location of Incident: 112th Precinct stationhouse	Precinct: 112	18 Mo. SOL 5/26/2021	EO SOL 1/10/2022	
Date/Time CV Reported Mon, 12/16/2019 9:30 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 12/16/2019 9:30 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Christophe Richards	04081	921705	112 PCT
2. POM Thomas Daly	17654	943129	112 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Christophe Hassan	04770	944638	112 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Christophe Richards	Abuse: Sergeant Christophe Richards threatened to arrest § 87(2)(b)	
B.SGT Christophe Richards	Discourtesy: Sergeant Christophe Richards spoke discourteously to § 87(2)(b)	
C.POM Thomas Daly	Abuse: Police Officer Thomas Daly did not process § 87(2)(b)'s complaint regarding an officer.	

## Case Summary

On December 16, 2019, § 87(2)(b) filed this complaint with the Civilian Complaint Review Board on behalf of himself via the CCRB website.

On November 26, 2019, at approximately 7:50PM, § 87(2)(b) attempted to file a report about a domestic incident at the 112<sup>th</sup> Precinct stationhouse. He spoke to SGT Christopher Richards of the 112<sup>th</sup> Precinct, who threatened to “collar his ass” (**Allegation A: Abuse of Authority**, § 87(2)(g) **Allegation B: Discourtesy**, § 87(2)(g) § 87(2)(b) then spoke to PO Thomas Daly, who took the domestic incident report but did not assist § 87(2)(b) in filing a complaint against SGT Richards when § 87(2)(b) asked how to do so (**Allegation C: Abuse of Authority**, § 87(2)(g) § 87(2)(g)).

The CCRB has received no Body-Worn Camera footage in response to requests relating to this case. The CCRB received security camera footage captured by stationhouse security cameras at the 112<sup>th</sup> Precinct stationhouse (Board Review 02, Board Review 08, Board Review 09, and Board Review 10; video summaries attached to Board Review 11, Board Review 12, Board Review 13, and Board Review 14, respectively).

## Findings and Recommendations

### Allegation (A) Abuse of Authority: Sergeant Christopher Richards threatened to arrest

§ 87(2)(b)

### Allegation (B) Discourtesy: Sergeant Christopher Richards spoke discourteously to § 87(2)(b)

§ 87(2)(b)

It is undisputed that on November 26, 2019, at approximately 7:50, § 87(2)(b) went to the 112<sup>th</sup> Precinct stationhouse and spoke to SGT Christopher Richards regarding a criminal complaint § 87(2)(b) wished to file about a domestic incident with his girlfriend. § 87(2)(b) § 87(2)(b)

In § 87(2)(b)'s sworn statement to the CCRB (Board Review 01), he stated that he spoke to SGT Richards about his desire to file a criminal complaint regarding a domestic incident. SGT Richards asked him if he had been involved in any recent cases. § 87(2)(b) affirmed that he had, and SGT Richards departed to check the stationhouse's case files for § 87(2)(b)'s name. When SGT Richards returned he said he would not file § 87(2)(b)'s report because it would be retaliatory. § 87(2)(b) showed SGT Richards audio evidence of § 87(2)(b)'s girlfriend admitting to a criminal act and SGT Richards walked away. As he walked away, SGT Richards turned and told § 87(2)(b) that he would “collar his ass” if he saw § 87(2)(b) in the neighborhood. SGT Hassan was at the front desk at the time the statement was made and walked over to § 87(2)(b) and asked to speak to § 87(2)(b) outside. § 87(2)(b) then spoke to SGT Hassan, who assigned PO Daly to take § 87(2)(b)'s complaint in an adjoining room.

The investigation obtained footage from the 112<sup>th</sup> Precinct stationhouse lobby, which did not include audio (Board Review 02). The footage shows § 87(2)(b) sitting in the waiting area. At approximately 00:01:56 minutes in the recording, SGT Richards walks into the waiting area and sits near § 87(2)(b). He and § 87(2)(b) talk for a few minutes, with § 87(2)(b) showing SGT Richards something on § 87(2)(b)'s phone. Finally, at about 00:08:11 minutes, SGT Richards stands up and walks out the stationhouse's front entrance. § 87(2)(b) approaches the front desk, and at 00:13:23 SGT Hassan walks with him out of the stationhouse. They return at about 00:21:00

minutes, talk in the waiting area, and then SGT Hassan steps behind the desk. At 50:56 minutes, PO Daly takes § 87(2)(b) into an adjoining room.

SGT Richards stated (Board Review 03) that he spoke to § 87(2)(b) who was the subject of an earlier domestic violence complaint, and located an order of protection involving § 87(2)(b)'s former girlfriend. He was willing to take § 87(2)(b)'s criminal complaint, but he was hesitant to do so as it might revictimize § 87(2)(b)'s girlfriend. He informed § 87(2)(b) that, as per the order of protection, § 87(2)(b) could be subject to arrest if returned to the apartment, or if he violated the order of protection boundary. The statement was not meant to encompass the entire neighborhood and was limited to the bounds of the order of protection. SGT Richards stated that he did not curse at § 87(2)(b) and he did not say he would "collar his ass" if he saw him again. After the conversation, SGT Richards delegated the duty of filing the report and left for the evening because it was the end of his shift.

SGT Hassan stated (Board Review 04) that during his shift as the desk officer at the 112th Precinct stationhouse, he heard voices elevating in the waiting area, which is approximately twenty feet to the right of the place he was working. SGT Hassan saw § 87(2)(b) talking to SGT Richards. SGT Hassan did not recall SGT Richards and § 87(2)(b) discussing arrest, SGT Richards telling § 87(2)(b) to leave the stationhouse, or SGT Richards using discourteous language. SGT Richards did not say in SGT Hassan's presence that SGT Richards would "collar § 87(2)(b)'s ass" if he saw him again. SGT Hassan took over the conversation because it was getting loud and § 87(2)(b) seemed irritated.

§ 87(2)(g)

**Allegation (C) Abuse of Authority: Police Officer Thomas Daly did not process § 87(2)(b)'s complaint regarding an officer.**

It is undisputed that, after speaking to SGT Richards, § 87(2)(b) spoke to PO Thomas Daly and PO Daly filed a Domestic Incident Report for § 87(2)(b).

In his sworn statement to the CCRB, § 87(2)(b) stated that, in the complaint room, he asked PO Daly how he could file a complaint about an officer and described his interaction with SGT Richards. PO Daly pointed to a flier that gave directions for filing a complaint with the CCRB. § 87(2)(b) took the information down and then filed a complaint himself. PO Daly did not offer to take the complaint regarding the incident himself or provide any assistance in filing the complaint beyond gesturing to the flier.

The footage from the stationhouse lobby (Board Review 02) shows that PO Daly takes § 87(2)(b) into an adjacent room at approximately 00:50:56 minutes, but no footage was received by the investigation showing the room in which the conversation about filing a complaint against an officer is alleged to have occurred (Board Review 08, Board Review 09, Board Review 10).

In his CCRB statement, PO Daly stated that he completed a criminal complaint report with § 87(2)(b) which took approximately 15 minutes (Board Review 05). PO Daly did not recall § 87(2)(b) saying he would like to make a complaint about any officer, including SGT Richards. § 87(2)(b) did not talk to PO Daly about SGT Richards in any context. PO Daly would have provided

assistance in filling out a complaint about an officer, but he was not asked to do so. The investigation did not ask PO Daly if he gestured to the CCRB flier in the lobby of the 112<sup>th</sup> Precinct stationhouse.

§ 87(2)(g)

#### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party. (Board Review 06)
- SGT Richards has been a member of service for 21 years and has been subject in four other CCRB complaints and six allegations, none of which have been substantiated. § 87(2)(g)
- PO Daly has been a member of service for 13 and has been subject in one other CCRB complaint and three allegations, none of which were substantiated. § 87(2)(g)

#### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On March 23, 2020, the New York City Office of the Comptroller stated that there was no record filed by § 87(2)(b) relating to this incident. (Board Review 07).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 12

Investigator: Emlyn Cameron      Investigator Emlyn Cameron      06/05/2020  
Signature      Print Title & Name      Date

Squad Leader: Carlmais Johnson      IM Carlmais Johnson      June 15, 2020  
Signature      Print Title & Name      Date

Reviewer: \_\_\_\_\_  
Signature      Print Title & Name      Date